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# Major County Sheriffs' Association

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FCC - MAILROOM

April 7, 2004

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Marlene H. Dortch, Secretary  
Federal Communications Commission  
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Re: **RM-10865/DA No. 04-700 --**

Comments on the CALEA Petition for Rulemaking

Dear Secretary Dortch:

The Major County Sheriffs' Association serves every large metropolitan area in the country and represents the vast majority of the Nation's population. The urban Sheriffs must rely upon the Communications Assistance for Law Enforcement Act (CALEA) to fight the technology used by criminals and potential terrorists.

For this reason, we vigorously endorse the petition submitted by the U.S. Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration filed on March 10, 2004, requesting that the FCC resolve issues arising from the implementation of CALEA.

It is vitally important, and consistent with Congress's intent in enacting CALEA, that the FCC initiate a rulemaking proceeding and adopt the rules proposed by the DOJ, FBI, and DEA in the above Petition. Congress enacted CALEA in 1994 to insure that law enforcement has the ability to conduct authorized wiretaps in the future as technologies changed. Since 1994, many new communications technologies have arisen, including broadband Internet access, voice over IP telephony ("VoIP"), push-to-talk digital dispatch services, and other packet mode services. These services, currently used by millions of American citizens, pose a great challenge to state and local law enforcement in that many such providers of these communications services have failed to voluntarily adopt currently available CALEA intercept solutions. Thus, law enforcement has been thwarted in its attempts to implement a lawfully authorized surveillance intercepts. Voluntary industry compliance with CALEA does not work.

Furthermore, state and local law enforcement do not have the financial or personnel resources to develop costly *ad hoc* surveillance solutions for each new communications service. Nor should they have to under the current law. For all equipment, services, and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves.

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Given the importance of the issues discussed above, I have attached the joint resolution from the Major County Sheriffs' Association and the Major Cities Chiefs Association. It is important that the FCC promptly act upon the Petition and commence a rulemaking proceeding adopting the DOJ's, DEA's and FBI's proposed rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Margo L. Frasier", is written over a horizontal line.

Sheriff Margo L. Frasier  
President, Major County Sheriffs Association



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## MAJOR COUNTY SHERIFFS MAJOR CITIES CHIEFS

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## JOINT RESOLUTION CALLING FOR NEW CALEA LEGISLATION

- ◆ WHEREAS Congress has recognized that court-ordered intercepts are an essential tool for law enforcement agencies; and
- ◆ WHEREAS Police Departments and Sheriffs' Offices conduct the majority of court-approved intercepts in the United States; and
- ◆ WHEREAS the Communications Assistance for Law Enforcement Act (CALEA) was enacted by Congress in 1994; and
- ◆ WHEREAS new technologies have been introduced over the past ten years that now thwart the efforts of law enforcement; and
- ◆ WHEREAS the purposes of CALEA are essential to Homeland Security and have yet to be realized; and
- ◆ WHEREAS the Major City Chiefs and Major County Sheriffs' Associations seek to strengthen law enforcement services and ensure the availability of modern electronic intercept capabilities;

NOW, THEREFORE, LET IT BE RESOLVED THAT THE MAJOR CITIES CHIEFS AND MAJOR COUNTY SHERIFFS ASSOCIATIONS DO HEREBY JOINTLY

- ◆ COMMEND the Attorney General and the FBI for their assistance to State and local law enforcement; and
- ◆ REQUEST FROM THE FBI a formal report on the use of telecommunications by criminals and terrorists, and the status of CALEA implementation; and
- ◆ RECOMMEND TO CONGRESS that the Federal Communications Commission (FCC) should be required to consider the needs of Homeland Security, granted powers to require immediate compliance with CALEA and directed to refrain from approval of further extensions; and
- ◆ RECOMMEND TO CONGRESS that new legislation should be introduced to address the requirements of modern technology and to provide law enforcement agencies with the necessary tools to carry out the intent of CALEA.

Adopted by:

Major County Sheriffs  
February 23, 2004  
Washington, D.C.

Major Cities Chiefs  
February 10, 2004  
Dallas, Texas